Hancock County Ordinance #7

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF HANCOCK COUNTY, IOWA

AN ORDINANCE TO REGULATE THE CREATION, MAINTENANCE AND OPERATION OF NUISANCES IN HANCOCK COUNTY, IOWA; TO PROVIDE FOR THE HEALTH, WELFARE AND SAFETY OF CITIZENS OF HANCOCK COUNTY, IOWA BY PROVIDING FOR THE ABATEMENT AND REMOVAL OF NUISANCES FOUND IN HANCOCK COUNTY, IOWA; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; ALL IN ACCORD WITH IOWA CODE CHAPTERS 657 AND 331; AND TO BE KNOWN AND CITED AS THE "HANCOCK COUNTY NUISANCE ORDINANCE".

Section I. – PURPOSE

The Hancock County Board of Supervisors, pursuant to the authority granted in Chapter 331 of the Code of Iowa, and through its designee, the Hancock County Board of Health, determines to prohibit the creation or maintenance of a nuisance in order to protect and preserve the rights, privileges, and property of the County and of its residents by providing penalties for violations.

Section II – DEFINITIONS

For the purposes of the Ordinance certain words and terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number shall include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "he" includes "she"; the term "person" shall include not only individuals, but also a trust, firm, association, joint venture, corporation, partnership or other legal entity and/or their authorized agents and/or employees.

II.1 The term "Board of Health" shall mean the five member group appointed by the Hancock County Board of Supervisors in accordance with Iowa Code Chapter 137.

II.2 The term "Health Officer" shall mean the authorized representative of the Hancock County Board of Health.

II.3 The term "Refuse" shall mean all waste, trash, garbage, rubbish, ashes or other substances that are placed or located on or in any public or private place, whether that substance be wood, paper, metal, plastic, organic or inorganic, or which substance is offensive to sight, smell or other senses; or which substance is dangerous to the public health, safety or general welfare of an individual's health, safety or welfare.

II.4 The term "Junk" shall mean all old scrap copper, brass, lead or any other non-ferrous metal; old or discarded rope, rags, batteries, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tin-ware, plastic or old or discarded household goods or hardware. However, neatly stacked firewood located on a side yard or a rear yard shall not be considered junk.

II.5 The term "Junk Vehicles" shall mean any unlicensed vehicle (including any motor vehicles, all terrain vehicles, motor homes, motorcycles or any car or automobile) stored, kept or found within the unincorporated area of Hancock County and which has any combination of two or more of the following characteristics:

A. Broken Glass: Any vehicle with a broken, cracked windshield, window or headlight or any other cracked or broken glass components.

B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, or door handle or window handle or steering wheel, trunk top or trunk handle, or tailpipe.

C. Habitat for Nuisance Animals or Insects. Any vehicle, which has become the habitat for rates, mice, snakes, or any other vermin, animal or insect.

D. Flammable Fuel. Any vehicle which contains gasoline, or any other flammable fuel.

E. Inoperable. Any motor vehicle that lacks an engine, or two or more wheels or other structural parts, which renders the vehicle incapable of self-locomotion or legal use on public roadways.

F. Defective or Obsolete Condition. Any vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

II.6 The term "Vermin" shall mean various small animals or insects that are destructive, objectionable, annoying or injurious to health and are often difficult to control, including but not limited to cockroaches, bed bugs, lice, fleas, mosquitos, flies, mice and rats.

II. 7 The term "Farm, Farm Operation" shall mean any operation deriving income from the production of grain, livestock, or produce

II. 8 The term "Rural Acreage," shall mean a residence located outside of an unincorporated village.

II. 9 The term "Unincorporated Village," a residential area of three or more inhabited dwellings within the proximity of 500 feet of each other.

II. 10 The term "Nuisance" is defined to mean that whatever is injurious to health, indecent or unreasonably offensive to the senses or an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property is a nuisance. In particular, the following, which is not intended to be an exhaustive list, are expressly declared nuisances:

A. Any business, trade, manufacture or other operation or condition of property, which gives rise to noxious or offensive odors, gases, vapors, smoke, dust, pollen, or fumes, which injure or threaten the health or safety of individuals or the public.

B. The storage, collection, discharge or deposition of any waste, offal, filth, garbage, refuse, dead animals or contaminated materials in any private or public place so as to threaten the public health or safety, or is offensive to the senses of any individual or the public, or to be conducive to the breeding and harborage of flies, rats or other vermin.

C. The obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

D. The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

E. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

F. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, alley, railroad or street railway track so as to render dangerous the use thereof.

G. Junk vehicles, or any portions thereof located on any private or public property.

H. Any object or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.

I. The depositing or storing of flammable junk, such as old rags, tires, rope, cordage, rubber, bones, and paper, unless stored in a building of fireproof construction.

J. Any building or structure which has been abandoned, or which because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or which is otherwise determined to be unsanitary, unfit for human habitation or in such a condition that is likely to threaten the health or safety of others.

K. Property which is not connected to public drainage systems when said property can be connected to public drainage systems from the abutting property, and when said connection is necessary for public health or safety.

L. A dense growth of weeds, vines, brush, or other vegetation growth which constitutes a health, safety or fire hazard.

M. An accumulation of junk and/or refuse in any private or public place, not to include properly permitted salvage yards.

N. Any condition, including but not limited to stagnant water or dense growth of weeds, that is conducive to the reproduction or harborage of flies, mosquitos, rodents, and/or other vermin or insects of public health significance so as to threaten the health and safety of others.

O. Carcasses of dead animals that have not been properly disposed of after death as provided by state, federal or local law.

P. The installation and continued use of outdoor lighting that produces glare and/or light trespass that may decrease security, creates hazards through glare, or creates a distraction which prohibits or unreasonably interferes with the enjoyment of life or property, shall be declared a nuisance. As used herein, the term "Light Trespass" shall mean the spill light falling over property lines that illuminate adjacent grounds or buildings in an objectionable and unreasonable manner. As used herein, the term "Glare" shall mean the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause unreasonable annoyance, discomfort, or loss is visual performance and visibility.

Q. No person shall own, operate or use any building or place for human habitation with inadequate or unsanitary wastewater disposal facilities, or which otherwise fail to meet applicable state or local standards or without a safe potable water supply under pressure.

R. Failure to secure areas, buildings, places, construction sites, excavations, or abandoned refrigerators or wells against unauthorized access where such access threatens the health or safety of individuals or is an attractive nuisance to children.

S. Any other act deemed to be a nuisance under any other state or local law, regulation or ordinance.

T. Any condition as defined in Chapter 657.1 and 657.2, Code of Iowa, 2024

Section III
Scope

The provisions of this Ordinance shall apply to all private property located within Hancock County, Iowa, which is also located outside of the boundaries of an incorporated city.

Section IV

Nuisance Restrictions on Farms or Rural Acreages

A farm, farm operation, or rural acreage shall not be found to be a nuisance under this ordinance unless one of the following exceptions applies:

A. The nuisance is the result of a farm, farm operation, or rural acreage determined to be in violation of any federal statute or regulation or state statute or rule;
B. The nuisance results from the negligent operation of the farm, farm operation, or rural acreage; or
C. The nuisance results in injuries or damages because of the pollution or change in condition of the waters of a stream or other waterway, or the nuisance results in the overflowing of water onto another person's land, or the nuisance results in excessive soil erosion onto another person's land.

Section V

Investigation

The Health Officer shall investigate, upon complaint of any person or on his/her own initiative, any potential health nuisance in the County and shall, upon finding of a health nuisance provide the Hancock County Board of Supervisors a detailed report of findings for potential action as prescribed in this Ordinance.

Section VI

Enforcement

It shall be the duty of the Hancock County Board of Supervisors and/or its designee, the Health Officer, to enforce the provisions of this Ordinance. The Ordinance may be enforced by issuing a civil citation for a County infraction for a violation of the County Ordinance or Notice to Abate as prescribed in this Ordinance.

Section VII
Procedure

VII.1 Informal

Upon receipt of the report of findings from the Health Officer, the Board of Supervisors, their designee or the Health Officer may make informal contact with the property owner and/or tenant of property in question. This contact may be made in person, by written correspondence,

or via telephone or other electronic means. Any interaction shall be documented and include the date, time and person(s) contacted.

VII.2 Formal

The Board of Supervisors may forego any informal process and proceed directly to the Abatement of Nuisance.

Whenever the Board of Supervisors reasonably finds that a nuisance exists, the County shall order the person on whose property the nuisance exists or person whose act or inaction gives rise to the nuisance, to abate the said nuisance.

The notice to abate a nuisance shall contain:
1. A description of what constitutes the nuisance.
2. A location of the nuisance.
3. A statement of the act or acts necessary to abate the nuisance.
4. A reasonable time within which to complete the abatement.
5. A statement that if such person fails to comply with said order, the County may take such action as deemed necessary to abate the nuisance.

The notice may be served by the County's Sheriff's Department or sent by certified mail to the property owner.

Any person who creates, permits, continues, causes or maintains a nuisance and who fails or refuses to abate or remove the nuisance within the reasonable time required and specified in the notice to abate, given pursuant to Section VII of this Ordinance, shall be in violation of this Ordinance.

Section VIII
Right to Enter Premises

The County may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, or cause of sickness. Notice needs to be given to property owner/tenant prior to entry.

Section IX
Refusal of Admittance

In any case the County Official shall be refused entry to any place, complaint may be made under oath to any court of competent jurisdiction and said court shall issue its order authorizing the County Official to enter the place for the purpose of examining any possible nuisance upon a finding of probable cause that said nuisance exists.

Section X
Request for Hearing

Any person ordered to abate a nuisance may have a hearing with the County Board of Supervisors as to whether a nuisance exists, to request a change in the acts necessary to abate the nuisance, or to request an extension of time for the prescribed abatement. A request for a hearing must be made in writing and delivered to the County Auditor within seventy-two(72) hours after the receipt of the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.
The hearing will be before the Board at a time and place fixed by the Board. The findings of the Board shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances. The Board of Supervisors ruling can be appealed to the Iowa District Court.

Section XI
Abatement by County

If the property owner and/or tenant fails to abate the nuisance by the date given in the properly served notice, the County may perform any required action to abate or remove the nuisance, and the costs incurred by the County shall be assessed to the property for collection in the same manner as property tax. Such special assessments shall be assessed and shall remain a lien against the benefited property pursuant to the provisions of Iowa Code Section 331.384. The procedure for making and levying the special assessment and for an appeal of the special assessment shall be the same as provided for in Iowa Code Sections 331.384 and sections 384.59 through 384.67.

Section XII
Abatement in Emergency

If it is determined that an emergency exists by reason of the continuing existence or maintenance of a nuisance, Hancock County and/or its authorized agents, employees or officers may perform any action that may be required under this Ordinance to abate the notice without prior notice to the property owner and assess the costs in the same manner as provided for in Section XI of this Ordinance. For purposes of this Ordinance, the term “emergency” shall mean any unforeseen circumstances requiring prompt action to prevent, avoid or minimize any significant possibility of loss of life, serious injury, transmission of infectious disease, or significant damage to real estate.

Section XIII
Penalties

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a simple misdemeanor and the penalties thereto by State statutes and furthermore each day a violation exists shall constitute a separate offense.

Section XIV
Separability of Provisions

If any section of the Regulation shall be held invalid, the invalidity of such section shall not affect the remaining sections of this ordinance.

Passed by the Board of Supervisors the 22nd day of September, 2025.

Florence Sis Greiman, Hancock County Board of Supervisors Chair

Attest:

Michelle K. Eisenman, Hancock County Auditor

First Reading: September 15, 2025

Second Reading: September 22, 2025

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